
UTAH LABOR COMMISSION

EMMANUEL GHULAM,

Petitioner,

vs.

**C. R. ENGLAND, CAMBRIDGE
INTEGRATED SERVICES GROUP
and XL SPECIALTY INSURANCE
COMPANY,**

Respondents.

**ORDER AFFIRMING
ALJ'S DECISION**

Case No. 07-0338

Emmanuel Ghulam asks the Utah Labor Commission to review Administrative Law Judge La Jeunesse's denial of Mr. Ghulam's claim for benefits under the Utah Workers' Compensation Act, Title 34A, Chapter 2, Utah Code Annotated.

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Annotated § 63G-4-301 and § 34A-2-801(3).

BACKGROUND AND ISSUE PRESENTED

Mr. Ghulam claims workers' compensation benefits against C. R. England and its insurance carrier, XL Specialty Insurance Co., (referred to jointly as "England" hereafter) for alleged injuries from a work accident on November 9, 2006. Judge La Jeunesse held an evidentiary hearing and referred the medical aspects of Mr. Ghulam's claim to an impartial panel of medical experts. Then, relying on the panel's report, Judge La Jeunesse denied Mr. Ghulam's claim on the grounds that Mr. Ghulam's work accident did not cause the alleged injuries.

In requesting Commission review of Judge La Jeunesse's decision, Mr. Ghulam contends that, because he was not in pain and was able to have an active life prior to his work accident, there must be a causal connection between the accident and his current problems.

FINDINGS OF FACT

The Commission adopts Judge La Jeunesse's findings of facts, summarized as follows. On November 9, 2008, while working as a truck driver for England, Mr. Ghulam fell backward from his truck about three feet to a concrete surface and struck his head. Thereafter, he complained of injuries to his cervical and thoracic spine, and closed head injury with associated psychological problems.

Due to differences of opinion among the various physicians who had treated or examined Mr.

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Ghulam, Judge La Jeunesse appointed a panel consisting of three medical experts to evaluate the medical aspects of Mr. Ghulam's claim. The panel reviewed all of Mr. Ghulam's medical records and the opinions of the other treating or examining physicians. The panel also conducted its own examination of Mr. Ghulam. Based on all this information, the panel concluded that Mr. Ghulam did not suffer from any cervical, thoracic, or closed head/psychological injuries as a result of his work accident.

DISCUSSION AND CONCLUSION OF LAW

The central issue raised in Mr. Ghulam's motion for review is whether the medical evidence establishes that the Mr. Ghulam's alleged injuries were caused by his work accident. For the reasons stated in Judge La Jeunesse's decision, the Commission agrees with Judge La Jeunesse that the medical panel's opinion is persuasive on this issue.

The Commission notes Mr. Ghulam's argument that he was not in pain and lived an active lifestyle prior to the accident, but suffered pain and physical limitations after the accident. From this, Mr. Ghulam contends that the work accident must have caused his problems. However, the hearing record establishes that Mr. Ghulam's reports of pain are unreliable and insufficient to establish medical causation.

In summary, the Commission finds the medical panel's report persuasive on the issue of medical causation. The Commission therefore agrees with Judge La Jeunesse's conclusion that Mr. Ghulam's alleged medical problems were not caused by the November 9, 2006, work accident.

ORDER

The Commission affirms Judge La Jeunesse's decision. It is so ordered.

Dated this 18th day of September, 2008.

Sherrie Hayashi
Utah Labor Commissioner

NOTICE OF APPEAL RIGHTS

Any party may ask the Labor Commission to reconsider this Order. Any such request for reconsideration must be received by the Labor Commission within 20 days of the date of this order. Alternatively, any party may appeal this order to the Utah Court of Appeals by filing a petition for review with the court. Any such petition for review must be received by the court within 30 days of the date of this order.

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